

UNITED STATES DISTRICT COURT
DISTRICT COURT OF MINNESOTA

IN RE PORK ANTITRUST LITIGATION

Civil No. 18-1776 (JRT/HB)

This Document Relates To:

THE DIRECT PURCHASER PLAINTIFF
ACTION

**ORDER GRANTING DIRECT
PURCHASER PLAINTIFFS' MOTION
FOR APPROVAL OF NOTICE PLAN
AND CLAIMS PROCESS**

This Court, having reviewed the Motion for Approval of Notice Plan and Claims Process ("Motion"), its accompanying memorandum and the declarations in support thereof, and the file, **HEREBY ORDERS:**

1. This Court previously granted final approval of the settlements between the Direct Purchaser Plaintiffs and Defendants JBS USA Food Company, JBS USA Food Company Holdings, and Swift Pork Company (collectively, "JBS") and Smithfield Foods, Inc. ("Smithfield") on July 26, 2021 (ECF No. 838) and January 31, 2022 (ECF No. 1154), respectively.

2. This Court appointed A.B. Data Ltd as the settlement administrator for each of the settlements (ECF Nos. 631 (JBS) and 870 (Smithfield)) and directed notice to be distributed to the Settlement Class members pursuant to Federal Rule of Civil Procedure ("Rule") 23(c)(2).

3. The proposed notice plan set forth in the Motion and the supporting declarations is substantially similar to the previously-approved plans and complies with Rule 23(c)(2)(B) and due process as the proposed notice plan constitutes the best notice that is practicable under the circumstances, including individual notice via mail and email to all members who can be identified through reasonable effort. The direct mail and email notice will be supported by reasonable publication notice to reach potential members of the Settlement Class who could not be individually identified.

4. The attached proposed notice documents: Long Form Notice (Exhibit A), Email Notice (Exhibit B), and Summary Publication Notice (Exhibit C), Claim Form (Exhibit D), and Purchase Audit Request Form (Exhibit E), and their manner of transmission, comply with Rule 23(c)(2)(B) and due process. Non-substantive changes, such as typographical errors, can be made to the notice documents by agreement of the parties without leave of the Court.

5. The Court hereby sets the below schedule for the dissemination of notice to the class, for Settlement Class members to object, timing for Co-Lead Counsel to bring a motion for Interim Payment of Attorneys' Fees, Current and Ongoing Litigation Expenses, and Service Awards, and for the Court's hearing regarding the same. This Court may order the hearing to be postponed, adjourned, or continued. If that occurs, the updated hearing date shall be posted on the Settlement Website, but other than the website posting the Parties will not be required to provide any additional notice to

Settlement Class members. Pursuant to any applicable orders relating to the COVID-19 emergency or otherwise, the hearing may take place remotely, including via telephone or video conference.

<u>DATE</u>	<u>EVENT</u>
March 1, 2022.	Last day for Defendants to produce supplemental sales data for Pork products that fall within the Settlement Class Definition.
April 15, 2022 (45 days after completion of Defendants' production of Settlement Class purchase data).	Settlement Administrator to provide direct mail and email notice, and commence the publication notice plan.
May 13, 2022 (28 days after the mailing of Notice).	DPPs to file their Motion for Interim Payment of Attorneys' Fees, Current and Ongoing Litigation Expenses, and Service Awards.
June 14, 2022 (60 days after the mailing of Notice).	Last day for Settlement Class members to file claims, object to the Motion for Interim Payment of Attorneys' Fees, Current and Ongoing Litigation Expenses, and Service Awards, and file notices to appear at a hearing.
June 29, 2022 (75 days after the mailing of Notice).	DPPs to update the Court Regarding the Status of the Claims Process and respond to any objections to the Motion for Interim Payment of Attorneys' Fees, Current and Ongoing Litigation Expenses, and Service Awards.
On or after July 14, 2022 (at least 90 days after the mailing of Notice): July 20, 2022 at 10:00 a.m.	Hearing Regarding Status of Claims Process and DPPs' Motion for Interim Payment of Attorneys' Fees, Current and Ongoing Litigation Expenses, and Service Awards.

Dated: March 7, 2022
at Minneapolis, Minnesota

s/John R. Tunheim
JOHN R. TUNHEIM
Chief Judge
United States District Court